

Senate Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 192

SENATE BILL 1429

AN ACT

AMENDING TITLE 12, CHAPTER 5.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 12-564; RELATING TO HEALTH CARE ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 12, chapter 5.1, article 1, Arizona Revised Statutes,
3 is amended by adding section 12-564, to read:
4 12-564. Qualified immunity; students; duty of care
5 A. A STUDENT WHO IS IN AN EDUCATIONAL OR TRAINING PROGRAM OF A
6 CERTIFIED, ACCREDITED OR STATE APPROVED POSTSECONDARY INSTITUTION THAT
7 PREPARES STUDENTS FOR LICENSING AS A HEALTH CARE PROVIDER IS NOT LIABLE IN A
8 MEDICAL MALPRACTICE ACTION FOR INJURY THAT OCCURS DURING OR AS A RESULT OF
9 CARE THAT IS PROVIDED WHILE THE STUDENT IS IN THE PROGRAM AND UNDER THE
10 SUPERVISION OF A LICENSED HEALTH CARE PROVIDER UNLESS GROSS NEGLIGENCE IS
11 ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE.
12 B. A STUDENT WHO IS IN AN EDUCATIONAL OR TRAINING PROGRAM OF A
13 CERTIFIED, ACCREDITED OR STATE APPROVED POSTSECONDARY INSTITUTION THAT
14 PREPARES STUDENTS FOR LICENSING AS A HEALTH CARE PROVIDER DOES NOT OWE AN
15 INDEPENDENT DUTY OF CARE TO A PATIENT IF THE STUDENT IS PARTICIPATING IN
16 PATIENT CARE UNDER THE SUPERVISION OF A LICENSED HEALTH CARE PROVIDER.
17 C. THIS SECTION DOES NOT ELIMINATE ANY RESPONSIBILITY OF THE
18 SUPERVISING LICENSED HEALTH CARE PROVIDER FOR THE STUDENT'S ACTIONS.

APPROVED BY THE GOVERNOR APRIL 19, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2011.

Passed the House April 12, 2011,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 28, 2011,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmine B. Blount
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 2011,

at 4:46 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 19th day of

April, 2011,

at 9:11 o'clock A. M.

[Signature]
Governor of Arizona

S.B. 1429

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19th day of April, 2011,

at 11:12 o'clock A. M.

[Signature]
Secretary of State